MUNICIPAL CORPORATION—PERMIT TO ERECT BUILDING ON STREET—LIABILITY FOR PERSONAL INJURY.—A municipal corporation is held, in *Copland* v. *Seattle* (Wash.), 65 L. R. A. 333, not to be liable for the death of one killed by the fall of material from a building in process of construction adjoining a street, by the mere fact that it granted a permit for the construction of the building, and took no precautions to warn passersby of danger in using the street pending the construction of the building.

CONTITUTIONAL LAW—TAXATION—COLLATERAL INHERITANCE TAX—EXCEPTION IN FAVOR OF CHARITABLE INSTITUTIONS IN STATE—CF. TAX BILL, SEC. 44 (A), VA. CODE 1904, P. 2219.—The fact that a collateral inheritance tax statute exempts from its provisions institutions in the state organized for purposes of purely public charity, while requiring the payment of the tax by such institutions when incorporated in other states, although some of their charitable works are carried on within the state, is held, in *Humphreys* v. *State* (Ohio), 65 L. R. A. 776, not to render it unconstitutional as a grant of special privileges or immunities or a denial of the equal protection of the laws. Sec. 44 (a) of the tax bill, Va. Code 1904, provides: "Where any estate within this Commonwealth of any decedent shall pass under his will, or the laws regulating descents and distributions, to any other person or for any other use than to or for the use of the grandfather and grandmother, father, mother, husband, wife, brother, sister, or lineal descendant of such decedent, the estate so passing shall be subject to a tax of five percentum of every hundred dollars' value thereof: provided, that such tax shall not be imposed upon any property bequeathed or devised where such bequest or devise is exclusively for state, county, municipal, benevolent, charitable, educational, or religious purposes." It will be noted that our statute, unlike the Ohio statute referred to above, makes no difference between gifts to charitable, etc., institutions in the state and those out of the state; and yet it would seem that such a distinction is a just one; for a devise or bequest to a foreign institution is not like a foreign investment—the money never comes back, and no longer contributes to the material resources of the state.

We have reason to believe that there exists among the county and municipal officers throughout the state a deplorable ignorance of the provisions of the Tax Bill, and especially that the state loses a great deal of revenue from ignorance of the section above quoted; but this is not surprising, nor are those officers to be blamed, when we consider that the state sends out to her public servants, charged with the collection of revenue, the Tax Bill in the form of a pamphlet of one hundred and twenty-six pages, with no arrangement, analytical or alphabetical, often without adequate titles, and with no sub-heads or catch-letter heads, and especially, *without the pretence of an index or table of contents.* A treasurer trying to find the subjects of taxation from such a pamphlet would just as well exert himself in trying to gather up all the autumn leaves that strew the brooks in Vallombrosa. C. B. G.

ACCIDENT INSURANCE—VOLUNTARY EXPOSURE TO UNNECESSARY DANGER—STEEPLE-CHASE RIDING.—Steeple-chase riding by one who gives his occupation as a cotton merchant, is held, in *Smith* v. *Ætna Life Ins. Co.* (Mass.), 64 L. R.

A. 117, to be a voluntary exposure to unnecessary danger, within the meaning of an accident insurance policy exempting the insurer from liability for injuries resulting from such exposure.

ACCIDENT INSURANCE—INJURIES FROM POISON—EATING SPOILED OYSTERS.—Death caused by accidentally eating spoiled oysters is held, in *Maryland Casualty Co.* v. *Hudgins* (Tex.), 64 L. R. A. 349, to be within a clause in an accident insurance policy providing that the policy does not cover injuries resulting from poison, or anything accidentally or otherwise taken or absorbed.

PERSONAL INJURY—CONTRIBUTORY NEGLIGENCE—DRIVER TURNING HIS HORSE AROUND NEAR PROJECTING MANHOLE OF SEWER WITH KNOWLEDGE THEREOF.—The driver of a milk wagon, who, knowing of the existence of a manhole to a sewer which projects above the surface of the street, attempts to turn his horse and wagon around in its vicinity without paying any attention to his course, is held, in *Wheat* v. *St. Louis* (Mo.), 64 L. R. A. 292, to be guilty of contributory negligence, so that, in case the wagon strikes the obstruction and is overturned to his injury, he cannot hold the city liable therefor.

See *Peters* v. *Lynchburg*, 10 Va. Law Reg. 812 (January number).

STOCKHOLDER'S LIABILITY—TRANSFER OF BANK STOCK—INSOLVENCY—TRANSFER NOT MADE ON BOOKS.—In *McDonald* v. *Dewey*, decided October, 1904, the U. S. Circuit Court of Appeals for the Seventh Circuit, held: 1. A stockholder of a bank who has made an out and out sale of his shares and has caused the proper transfers to be made on the books of the bank, can not be held unless, 1, the bank was insolvent at the time of the transfer; 2, unless he knew or ought to have known that the bank was insolvent at the time of the transfer, and 3, unless his out and out transfer was made to an irresponsible person unable to respond to an assessment, whose financial condition was known or ought to have been known to him. The court is of opinion that there is an utter failure of proof of the insolvency of the various transferees, and on the contrary there is considerable proof that they were solvent and able to respond to an assessment.

2. If a person permits his name to appear and remain in its outstanding certificates of stock and on its register as a shareholder, he is estopped as between himself and the creditors of the bank to deny that he is a shareholder, and his individual liability continues until there is a transfer of the stock on the books of the bank, even where he has in good faith previously sold it and delivered to the buyer the certificates of stock with a power of attorney in such form as to enable the transfer to be made.

HUSBAND AND WIFE—NECESSARIES FOR WIFE LIVING WITH HUSBAND—OBLIGATION OF HUSBAND TO FURNISH.—The obligation of a man to pay for necessaries furnished to his wife, with whom he is living, upon the theory of implied agency on her part, is denied in *Wanamaker* v. *Weaver* (N. Y.), 65 L. R. A. 529, where she was amply supplied with articles of the same character as those pur-